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On Thursday, January 9, West Virginia discovered a chemical leak when investigating an odor complaint at Freedom Industries in Charleston, WV. It is estimated that between 5,000-7,000 gallons of 4-methylcyclohexane methanol (MCHM), was released into the Elk River. The chemical impacted a public water intake a mile and a half downstream of the spill, affecting between 100,000 to 300,000 residents. The WV Governor declared a state of emergency in nine counties. The following day, on January 10, WVDEP issued two separate orders to Freedom Industries to, among other things, immediately take all necessary measures to contain, recover and remediate the material that had been released from the tanks. On January 22, in response to the discovery of other materials that were released on January 9, WVDEP ordered Freedom Industries to provide it with detailed information regarding the composition of the materials spilled into the Elk River.

On Sunday, January 24, WVDEP and Freedom Industries entered into a Consent Order which provides for the removal of material from the remaining tanks, as well as to dismantle and remove the tanks from the facility, on or before March 15, 2014. However, we have heard that Freedom Industries is trying to push that date back to March 30, 2014. This Consent Order incorporates the activities WVDEP had ordered Freedom Industries to perform in its three previous orders. Three of the fourteen tanks on the site have been emptied. The remaining tanks may have some diluted product in them, but are also being used to store waste water.

To date, WVDEP has not requested that EPA initiate a response action. However, EPA has been providing technical support at the site since January 9.

On January 17, Freedom Industries filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. On January 27, Freedom Industries filed an interim order for financing, among other things, its environmental cleanup obligations. Freedom Industries' lender has agreed to provide up to \$5,000,000 in financing. In a January 25 Status Report to the Bankruptcy Court, Freedom Industries stated its intent to fulfill its environmental cleanup obligations. Specifically, in the Status Report, Freedom Industries attached a copy of the above referenced Consent Order and also stated its intent to decommission the facility once all the materials have been removed. EPA and DOJ have been following the bankruptcy proceedings and have added language to Freedom Industries' financing order that addresses its environmental obligations.

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